

christophergrantham

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FILED
DISTRICT COURT OF GUAM

FEB 26 2008

JEANNE G. QUINATA
Clerk of Court

IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER GRANTHAM,

Defendant.

CRIMINAL CASE NO. 07-00107

PLEA AGREEMENT

Pursuant to Rule 11(c)(1)(B), the United States and the defendant, CHRISTOPHER GRANTHAM, enter into the following plea agreement:

1. The defendant agrees to enter a guilty plea to an Indictment charging him with Attempted Manufacture of Methamphetamine in violation of Title 21, United States Code, § 841(a)(1) and §846.

2(a) The defendant, CHRISTOPHER GRANTHAM, further agrees to fully and truthfully cooperate with Federal law enforcement agents concerning their investigation of any co-

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1 defendants, co-conspirators both known and unknown, and related unlawful activities.
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3 Cooperation shall include providing all information known to defendant regarding any criminal
4 activity, including but not limited to the offense to which he is pleading guilty. Cooperation will
5 also include complying with all reasonable instructions from the United States; submitting to
6 interviews by investigators and attorneys at such reasonable times and places to be determined by
7 counsel for the United States; producing to the United States all non-privileged documents
8 (including claimed personal documents) and other materials in the possession, custody or control
9 of defendant requested by attorneys and agents of the United States; and testifying fully and
10 truthfully before any grand juries, hearings, trials or any other proceedings where defendant's
11 testimony is deemed by the United States to be relevant. Defendant understands that such
12 cooperation shall be provided to any state, territorial, local or federal law enforcement agencies
13 designated by counsel for the United States. Further, it is understood and agreed that defendant
14 shall not directly, indirectly, or intentionally disclose anything defendant knows or had done
15 concerning the United States' investigation to anyone other than defendant's attorney. Defendant
16 agrees to take no steps directly or indirectly to warn any subject of this investigation that
17 defendant, a subject, or anyone else is being investigated.

18 (b) The United States will make this cooperation known to the Court prior to the
19 defendant's sentencing. The defendant further understands that he remains liable and subject to
20 prosecution for any criminal schemes of which he does not fully advise the United States, or for
21 any material omissions in this regard.

22 (c) This agreement is not contingent in any way upon the outcome of any investigation,
23 proceeding or subsequent trial. Thus, none of the rights and obligations described above are in
24 any way dependent upon a grand jury returning an indictment, a jury's verdict at any trial, or the
25 success of any prosecution.

26 (d) Except as otherwise herein provided, and in particular as provided in Paragraph 11,
27 the United States agrees not to prosecute defendant for any other non-violent offenses which
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1 were committed in the District of Guam or the Northern Mariana Islands (CNMI) which
2 defendant reveals to Federal authorities during his cooperation with the United States. This
3 agreement is limited to crimes committed by defendant in the districts of Guam or the CNMI.
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5 3. The defendant, CHRISTOPHER GRANTHAM, understands and agrees that any and
6 all assets or portions thereof acquired or obtained by him as a direct or indirect result of the
7 manufacture of methamphetamine shall be surrendered to the United States or any lawful agency
8 as may be directed by the Court.

9 4. The defendant, CHRISTOPHER GRANTHAM, further agrees to submit to a
10 polygraph examination by any qualified Federal polygraph examiner. The defendant understands
11 that such polygraph examinations may include, but will not be limited to, his knowledge of or
12 involvement in the manufacture of methamphetamine, drug trafficking activities and his
13 knowledge of others' involvement in such activities. Defendant understands that the government
14 will rely on the polygraph in assessing whether he has been fully truthful.

15 5(a) The defendant, CHRISTOPHER GRANTHAM, understands that the maximum
16 sentence for Attempted Manufacture in excess of five grams of Methamphetamine is a term of
17 forty (40) years incarceration, with a mandatory minimum term of five (5) years incarceration, a
18 \$2,000,000 fine and a \$100 special assessment fee, which must be paid at the time of sentencing.
19 Any sentence imposed shall include a term of supervised release of at least four (4) years in
20 addition to such terms of imprisonment. Defendant understands that if he violates a condition of
21 supervised release at any time prior to the expiration of such term, the court may revoke the term
22 of supervised release and sentence him up to an additional three (3) years of incarceration
23 pursuant to 18 U.S.C. § 3583(e)(3).

24 5(b) If defendant cooperates as set forth in Paragraphs 2, 3, and 4 the government will
25 recommend that defendant receive the statutory minimum, or the minimum term of incarceration
26 recommended by the Sentencing Guidelines, whichever is greater.
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2 5(c) If the United States believes the defendant has provided "substantial assistance" as
3 defined by Sentencing Guidelines 5K1.1, the United States will request the court to depart below
4 the statutory minimum pursuant to Title 18, United States Code, § 3553(e), and may, as provided
5 by Sentencing Guidelines 5K1.1, request the court to depart below the applicable guidelines
6 range when fixing a sentence for defendant or may, within one year after sentencing herein, move
7 the court to order relief pursuant to Rule 35, Rules of Criminal Procedure to whatever guidelines
8 range or sentence of incarceration the United States in its sole discretion deems appropriate.
9 Defendant acknowledges that the United States has made no promise, implied or otherwise, that
10 defendant will be granted a "departure" for "substantial assistance." Defendant further
11 acknowledges that no promise of any kind has been made that a motion requesting such
12 departure will be made except as otherwise provided herein.

13 The United States agrees to consider the totality of the circumstances, including but not
14 limited to the following factors, in determining whether, in the assessment of the U. S. Attorney,
15 defendant has provided "substantial assistance" which would merit a government request for a
16 downward departure from the mandatory statutory minimum or the applicable Guidelines
17 sentencing range:

- 18 (1) the United States' evaluation of the significance and usefulness of any assis-
19 tance rendered by defendant;
- 20 (2) the truthfulness, completeness, and reliability of any information or testimony
21 provided by defendant;
- 22 (3) the nature and extent of defendant's assistance;
- 23 (4) any injuries suffered or any danger or risk of injury to defendant or his family
24 resulting from any assistance provided by defendant; and
- 25 (5) the timeliness of any assistance provided by defendant.

26 It is understood that even if a motion for departure is made by the United States, based
27 upon defendant's perceived "substantial assistance," the final decision as to how much, if any,
28 reduction in sentence is warranted because of that assistance, rests solely with the District Court.

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2 5(d) The government will recommend a fine within the Sentencing Guidelines range. If
3 defendant is financially unable to immediately pay the fine in full, defendant agrees to make a
4 full disclosure of his financial status to the United States Attorney's Office by completing a
5 Financial Disclosure Form (OBD-500) for purpose of fixing a monthly payment schedule.
6 Defendant understands that, by law, interest accrues on any remaining balance of the debt.

7 6. The defendant understands that to establish a violation of the unlawful Attempted
8 Manufacture of Methamphetamine, as charged pursuant to 21 U.S.C. §§ 841(a)(1) and 846, the
9 government must prove each of the following elements beyond a reasonable doubt:

10 First, that defendant intentionally attempted to manufacture methamphetamine
hydrochloride, a Schedule II controlled substance;

11 Second, that defendant knew that the substance he was attempting to manufacture
12 was methamphetamine hydrochloride, a Schedule II controlled substance;

13 Third, that defendant did something that was a substantial step toward committing
14 the crime, with all the members of the jury agreeing as to what constituted the
substantial step.

15 7. The defendant agrees that the Sentencing Guidelines apply to this offense. The
16 defendant also understands that the facts he stipulates to herein will be used, pursuant to 1B1.2,
17 in calculating the applicable guidelines level. The Government and the defendant stipulate to the
18 following facts for purposes of the Sentencing Guidelines:

19 (a) The defendant was born in 1964, and is a citizen of the United States.

20 (b) If the defendant cooperates with the United States by providing information
21 concerning the unlawful activities of others, the government agrees that any self-incriminating
22 information so provided will not be used against defendant in assessing his punishment, and
23 therefore, pursuant to § 1B1.3 of the Sentencing Guidelines, this information should not be used
24 in determining the applicable guidelines range.

25 (c) On or about October 24, 2007, in the District of Guam, Guam Police Department
26 Officers received information that methamphetamine was being manufactured at a laboratory in
27 the Plumeria Garden Hotel, Room 46, Route 8, Maite, Guam. Guam Police Department Officers
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1 responded to the scene and a female occupant, Tamara Santos, opened the door and consented to
2 a search. Police saw empty plastic containers, an acetone can, an electric burner, and a glass pan
3 within the hotel room. Police located defendant Christopher Grantham within the bathroom, and
4 Joshua Ulloa hiding on the floor beside the bed. Tamara Santos consented to a further search of
5 the hotel room. Police inspected the items and determined that they were consistent with the
6 manufacturing of methamphetamine. Defendant Christopher Grantham waived his
7 Constitutional rights and admitted that he was involved in the attempted manufacture of
8 methamphetamine hydrochloride. Grantham stated that when Police arrived, he rinsed liquid
9 used in the manufacturing process down the drain and flushed acetone down the toilet. The
10 liquids were used in the methamphetamine manufacturing process. Defendant Christopher
11 Grantham admitted to attempting to manufacture five or more grams of methamphetamine
12 hydrochloride, a schedule II controlled substance.
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14 (d) The defendant understands that notwithstanding any agreement of the parties,
15 the United States Probation Office will make an independent application of the Sentencing
16 Guidelines. The defendant acknowledges that should there be discrepancies in the final
17 sentencing guidelines range projected by his counsel or any other person, such discrepancies are
18 not a basis to withdraw his guilty plea.

19 8. The defendant understands that this plea agreement depends on the fullness and
20 truthfulness of his cooperation. Therefore, defendant understands and agrees that if he should
21 fail to fulfill completely each and every one of his obligations under this plea agreement, or make
22 material omissions or intentional misstatements or engage in criminal conduct after the entry of
23 his plea agreement and before sentencing, the government will be free from its obligations under
24 the plea agreement. Thus defendant, in addition to standing guilty of the matters to which he has
25 pled pursuant to this agreement, shall also be fully subject to criminal prosecution for other
26 crimes, and for the counts which were to be dismissed. In any such prosecution, the prosecuting
27 authorities, whether Federal, State, or Local, shall be free to use against him, without limitation,
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1 any and all information, in whatever form, that he has provided pursuant to this plea agreement
2 or otherwise; defendant shall not assert any claim under the United States Constitution, any
3 statute, Rule 11(f) of the Federal Rules of Criminal Procedure, Rule 410 of the Federal Rules of
4 Evidence, or any other provision of law, to attempt to bar such use of the information.
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6 9. Defendant understands that whether he has completely fulfilled all of the obligations
7 under this agreement shall be determined by the sentencing court in an appropriate proceeding at
8 which any disclosures and documents provided by defendant shall be admissible and at which the
9 United States shall be required to establish any breach by a preponderance of the evidence. In
10 determining whether there has been a breach, the parties agree that any polygraph results and the
11 polygrapher's conclusions and opinions shall be admissible.

12 10. The defendant understands that his sentencing may be continued, at the sole
13 discretion of the United States, until after the indictment and trial of any associates involved.
14 This will also enable the Court to see the full degree of the defendant's cooperation. The
15 defendant therefore waives any right he may have to any speedy sentencing and hereby agrees to
16 any continuance of his sentencing date as it may become necessary.

17 11. In exchange for the government's concessions in this plea agreement, the defendant
18 waives any right to appeal or to collaterally attack this conviction but reserves the right to appeal
19 the sentence imposed in this case. He agrees to waive all constitutional challenges to the validity
20 of the Sentencing Guidelines. The defendant agrees that the government has bargained for a
21 criminal conviction arising from his conduct. If at any time defendant's guilty plea or conviction
22 is rejected, withdrawn, vacated or reversed, for whatever reason, or if any change of law renders
23 the conduct for which he was convicted to be non-criminal, defendant agrees that he will enter a
24 guilty plea to another charge encompassing the same or similar conduct. In such event,
25 defendant waives any objections, motions or defenses based upon the Statute of Limitations,
26 Speedy Trial Act, or constitutional restrictions as to the time of bringing such charges.
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2 12. The defendant acknowledges that he has been advised of his rights as set forth below
3 prior to entering into this plea agreement. Specifically, defendant has been fully advised of, has
4 had sufficient opportunity to reflect upon, and understands the following:

5 (a) The nature and elements of the charge and the mandatory minimum penalty provided
6 by law, if any, and the maximum possible penalty provided by law;

7 (b) His right to be represented by an attorney;

8 (c) His right to plead not guilty and the right to be tried by a jury and at that trial, the
9 right to be represented by counsel, the right to confront and cross-examine witnesses against him,
10 and the right not to be compelled to incriminate himself, that is, the right not to testify;

11 (d) That if he pleads guilty, there will not be a further trial of any kind on the charges to
12 which such plea is entered so that by entering into this plea agreement, he waives, that is, gives
13 up, the right to a trial;

14 (e) Because this plea is entered pursuant to Federal Rule of Criminal Procedure
15 11(c)(1)(B), the defendant understands that he may not withdraw his guilty plea even if the court
16 does not accept the sentencing recommendations of the government or his counsel;

17 (f) That, upon entry of a plea of guilty, or thereafter, the Court may ask him questions
18 about the offenses to which he has pled, under oath, and that if he answers these questions under
19 oath, on the record, his answers may later be used against him in prosecution for perjury or false
20 statement if an answer is untrue;

21 (g) That he agrees that the plea agreement is voluntary and not a result of any force,
22 threats or promises apart from this plea agreement;

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1 (h) The defendant is satisfied with the representation of his lawyer and feels that his
2 lawyer has done everything possible for his defense.
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5 DATED: 2/24/08
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CHRISTOPHER GRANTHAM
Defendant

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8 DATED: 2/22/08
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G. PATRICK CIVILLE
Attorney for Defendant

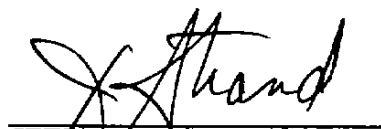
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11 LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and NMI
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13 DATED: 2/26/08
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By:


ROSETTA L. SAN NICOLAS
Assistant U.S. Attorney

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17 DATED: 2/26/08
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JEFFREY J. STRAND
First Assistant U.S. Attorney
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